

JOHN R. KROGER
Attorney General
MARC ABRAMS #89014
Senior Assistant Attorney General
Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
Telephone: (503) 947-4700
Fax: (503) 947-4791
Email: marc.abrams@doj.state.or.us

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

MONICA EMELDI,

Plaintiff,

v.

UNIVERSITY OF OREGON, an Agency and
Instrumentality of the State of Oregon,

Defendant.

Case No. 6:08-cv-06346 HO

**AFFIDAVIT OF MARIAN FRIESTAD IN
SUPPORT OF MOTION FOR SUMMARY
JUDGMENT**

STATE OF OREGON)
) ss.
County of Lane)

I, Marian Friestad, being duly sworn, depose and state:

1. I am the Vice Provost for Graduate Studies and an Associate Dean of the
Graduate School of the University of Oregon.

2. On or about October 18, 2007, I met with Ms. Monica Emeldi about concerns that she had regarding her doctoral program in Special Education. Ms. Emeldi provided me with a document, which has already been submitted to the Court as Emeldi dep. Exh. "29" (the "Memorandum"). The Memorandum contained a description of her interactions with various faculty and staff members in the College of Education ("COE") at the University of Oregon. This document provided the basis for our conversation at that meeting. Ms. Emeldi also provided me with two documents related to her academic work, and a CD-ROM with copies of email messages.

3. Whenever I meet with graduate students who are having problems in their academic programs, I always tell them that our conversations will be confidential and I will not discuss anything they tell me. However, if the student gives me explicit permission to discuss these issues with faculty, administrators, and/or staff, then they have knowingly waived the confidentiality. In addition, if the issues involve sexual harassment and/or discrimination, I cannot maintain complete confidentiality, but must report the information they give me to my supervisor or to the Office of Affirmative Action and Equal Opportunity ("AAEO"). I told all of this to Emeldi at our meeting.

4. At this meeting, Ms. Emeldi did not discuss any issues related to sexual harassment or discrimination. Nor was there any inference or indication that she was concerned about sexual harassment or discrimination in the Memorandum. Rather, that document merely describes what might best be termed as a series of perceived personality conflicts. Accordingly, I did not involve AAEO or report any of my conversations with Ms. Emeldi to AAEO.

5. Ms. Emeldi waived confidentiality, something she apparently now does not recall. She gave me explicit permission to contact Dr. Horner. I asked her at multiple points,

including at the end of the meeting, if she wanted me to contact Dr. Horner and discuss her concerns about her progress in the doctoral program. Ms. Emeldi gave me her permission to do so. We also agreed that after I had talked with Dr. Horner and reviewed the documents she gave me we would meet again so that I could give her feedback on what I had learned.

6. Shortly after this first meeting I called Dr. Horner and discussed the concerns that Ms. Emeldi had expressed. Approximately a week later, as agreed, I met with Ms. Emeldi again to give her feedback on my conversation with Dr. Horner and my review of the documents and e-mail messages that she gave me. At that meeting, I shared my perceptions with Ms. Emeldi. She took notes throughout the meeting, but did not say anything. When I asked if she had any questions or wanted to discuss anything further, she said “no,” and left the room.

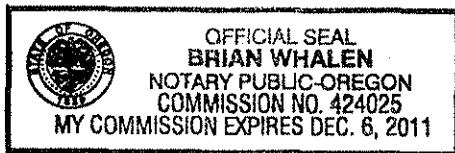
7. At no time did Ms. Emeldi raise the possibility of filing a grievance against Prof. Horner or against any other staff or faculty member of the University. To the best of my recollection, at no point during the conversation did Ms. Emeldi mention, discuss, or ask questions about filing a formal grievance. In fact, the tone of the Memorandum — specifically the “Introductory Comments” — and of our conversation was about how to resolve conflicts and create a plan for successfully completing a degree program. At no time did I discourage Ms. Emeldi from filing a grievance or pursuing any of her rights. It is my practice with any student who comes to talk with me about filing an academic grievance that I give them a copy of (or e-mail link to) the relevant Oregon Administrative Regulation, 571-003-0120 (Graduate Student Academic Grievances), and tell them that they have the absolute right to file such a grievance if that is their wish. My role in these situations is to provide information and help answer questions about the process.

8. Additionally, these meetings were several weeks prior to Prof. Horner's November 19, 2007 resignation as Ms. Emeldi's dissertation chair. Accordingly, not only did I not make any statement to Prof. Horner regarding whether or not the University would pursue charges, there would have been no reason to do so at that time. At most, I informed Prof. Horner that there would be no further action because Ms. Emeldi had not presented a formal grievance in accordance with established procedure.

DATED this 19th day of April, 2010.

Marian Friestad
 MARIAN FRIESTAD

SUBSCRIBED AND SWORN to before me this 19th day of April, 2010.



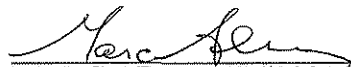
Brian Whalen
 Notary Public for Oregon
 My Commission Expires: 12/6/2011

CERTIFICATE OF SERVICE

I certify that on May 1, 2010, I served the foregoing AFFIDAVIT OF MARIAN FRIESTAD IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT upon the parties hereto by the method indicated below, and addressed to the following:

David C. Force
96 E Broadway Ste 2
PO Box 10972
Eugene OR 97440
Of Attorneys for Plaintiff

☐ HAND DELIVERY
☐ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX) 541 686-1594
☐ E-MAIL forcelaw@aol.com;
forcelawgm@aol.com
☒ E-FILE



MARC ABRAMS #89014
Senior Assistant Attorney General
Trial Attorney
Tel (503) 947-4700
Fax (503) 947-4793
marc.abrams@doj.state.or.us
Of Attorneys for Defendant